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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION

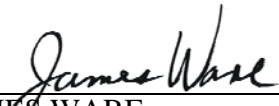
10 In re Apple & AT&TM Antitrust Litigation NO. C 07-05152 JW

11 **ORDER VACATING HEARING IN PART**

12 \_\_\_\_\_/  
13 On February 9, 2009, the parties are scheduled to appear for a hearing on Defendant Apple's  
14 Motion for Certification of Interlocutory Appeal (Docket Item No. 159), and Defendant AT&TM's  
15 Motion to Dismiss (Docket Item No. 147) and Motion to Strike or Dismiss Class Allegations  
16 (Docket Item No. 148). Upon review of the parties briefs, the Court finds that Defendant AT&TM's  
17 Motions are appropriate for submission without oral argument. See Civ. L.R. 7-1(b).

18 Accordingly, the Court VACATES the February 9, 2009 hearing as to Defendant AT&TM's  
19 Motion to Dismiss and Motion to Strike or Dismiss Class Allegations. The hearing on Defendant  
20 Apple's Motion for Certification of Interlocutory Appeal remains on calendar.

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22 Dated: February 6, 2009

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\_\_\_\_\_  
JAMES WARE  
United States District Judge

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**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: February 6, 2009**

**Richard W. Wieking, Clerk**

By: /s/ JW Chambers  
**Elizabeth Garcia**  
**Courtroom Deputy**